

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PAULETTE BAKER

CIVIL CASE NO. 06-12189

Plaintiff,

v.

HONORABLE PAUL V. GADOLA
U.S. DISTRICT JUDGE

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

_____ /

ORDER ACCEPTING REPORT AND RECOMMENDATION

Now before the Court is Plaintiff's Motion for Summary Judgment, filed on September 29, 2006, Defendant's Motion for Summary Judgment, filed on December 8, 2006, and the Report and Recommendation of Magistrate Judge Steven D. Pepe, filed on March 30, 2007. The magistrate judge's Report and Recommendation recommended that this Court deny Defendant's motion, grant Plaintiff's motion, and remand the matter for further proceedings. The Magistrate Judge also notified the parties that any objections must be filed within ten days of service. No party has filed objections to the Report and Recommendation.

The Court's standard of review for a magistrate judge's report and recommendation depends upon whether a party files objections. If a party does not object to the report and recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings." *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Because neither party filed timely objections to Magistrate Judge

Pepe's Report and Recommendation, *see* 28 U.S.C. § 636(B)(1)(c); Fed. R. Civ. P. 6(e), this Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the Report and Recommendation [docket entry #16] is **ACCEPTED AND ADOPTED** as the order of this Court; Plaintiff's Motion for Summary Judgment [docket entry #9] is **GRANTED**; Defendant's Motion for Summary Judgment [docket entry #14] is **DENIED**; and the matter is **REMANDED** for further proceedings not inconsistent with this order.

SO ORDERED.

Dated: June 22, 2007

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on June 22, 2007, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Janet L. Parker; Robert J. MacDonald, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: _____.

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
(810) 341-7845